

1 JUDGE STIRMER: All right. That document
2 will be marked as Bureau Exhibit No. 32.

3 (The document was marked for
4 identification as Mass Media
5 Exhibit No. 32.)

6 BY MR. SHOOK:

7 Q Now just to clarify the record here, have you
8 seen this invoice that appears on page 1 before?

9 A Yes, yes.

10 Q Okay. And it does reflect, does it not, the
11 cost per filter?

12 A Yes, right up here.

13 Q Okay. And what cost is that?

14 A It says \$17.50.

15 Q Okay, thank you.

16 JUDGE STIRMER: How much?

17 THE WITNESS: Seventeen fifty.

18 JUDGE STIRMER: Seventeen fifty?

19 THE WITNESS: Yes, sir.

20 JUDGE STIRMER: And what is the total invoice
21 on this?

22 THE WITNESS: The total bill is \$2,728.

23 JUDGE STIRMER: Thirteen hundred and thirteen
24 fifty?

25 THE WITNESS: No. See, we had to send this

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1 much with it and then the other.

2 JUDGE STIRMER: Very well. All right,
3 \$2,728.

4 THE WITNESS: Yes.

5 MR. SHOOK: Your Honor, I would ask
6 permission to withdraw it to make photocopies.

7 JUDGE STIRMER: Permission granted.

8 MR. SHOOK: And, Your Honor, at this time I
9 would ask that Mass Media Exhibits 31 and 32 be
10 received into evidence.

11 JUDGE STIRMER: Any objection?

12 MR. DUNNE: Just a moment, Your Honor. I'm
13 sorry. I wasn't given copies of 31 and 32.

14 JUDGE STIRMER: Well, they are not available.
15 I gave counsel --

16 MR. DUNNE: If you would, could you describe
17 them for me, Counsel?

18 MR. SHOOK: Okay. Mass Media Exhibit 31 was
19 the questionnaire that was prepared by --

20 MR. DUNNE: No, I don't have an objection to
21 that, Your Honor.

22 JUDGE STIRMER: All right. Exhibit 31 is
23 received without objection.

24 (The document previously
25 identified as Mass Media

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1 Exhibit No. 31 was received
2 into evidence and made a part
3 of the record thereof.)

4 MR. SHOOK: And I will make copies and give
5 one to Mr. Dunne.

6 JUDGE STIRMER: Very well.

7 MR. DUNNE: Okay. And 32 was the --

8 JUDGE STIRMER: The invoice.

9 MR. SHOOK: Yes, sir.

10 MR. DUNNE: There is no objection on that
11 exhibit either.

12 JUDGE STIRMER: All right. Exhibit 32 is
13 received.

14 (The document previously
15 identified as Mass Media
16 Exhibit No. 32 was received
17 into evidence and made a part
18 of the record thereof.)

19 BY MR. SHOOK:

20 Q Mrs. Stewart, moving on to paragraph 17 of
21 your testimony.

22 A Yes.

23 Q Toward the bottom there is a sentence that
24 reads, "KOKS also to my recollection never refused to
25 put a filter on a radio," etc. Do you see that?

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1 A Yes.

2 Q Now, in other words, when you went to a home,
3 if a homeowner said, "I want to have a filter on my
4 radio," then you would do it?

5 A Yes.

6 Q If the homeowner didn't specifically tell you
7 that he or she wanted a filter on the radio or, you
8 know, something done with the radio, then you wouldn't
9 do it. Right?

10 A It wouldn't be that we wouldn't do it. It
11 was just that we didn't -- at that time we was working
12 on TV sets. And if they mentioned anything else, we
13 most definitely would have taken care of it at that
14 time.

15 Q Okay.

16 A We were working under a deadline.

17 Q Right. Now this questionnaire, though, as
18 you said, said nothing about radios?

19 A No.

20 Q Before you went into a home, you know, a home
21 to effect a repair, did you go back to look at, you
22 know, what that homeowner had to say about his or her
23 problems?

24 A I don't recall doing that, sir.

25 Q Now looking, referring back to Mass Media

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1 Exhibit No. 25.

2 A Okay.

3 Q Okay. Specifically page 3, footnote 5.

4 A All right. That was what I messed up on a
5 while ago.

6 Q Now there is a list of names there.

7 A Uh-huh.

8 Q For any of the names noted, did you go to
9 look at your files to see whether any complaints by
10 those individuals had been made subsequent to the
11 letters noted by the FCC in that footnote?

12 A I don't remember. I really don't.

13 Q Mrs. Stewart, do you recall the preparation
14 of interrogatory answers in this proceeding?

15 A Yes.

16 Q Do you recall preparing attachments to the
17 interrogatory answers?

18 A Attachments to which interrogatory answers?

19 Q Well, I will show them to you. Now, first of
20 all, do you recall preparing the interrogatory answers?

21 A Is this -- this is not mine, is it?

22 Q Okay. This is a supplement, and then here
23 are the answers to interrogatories.

24 A This is answers here.

25 JUDGE STIRMER: Speak up, please.

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1 THE WITNESS: I'm sorry. This here is what
2 you are talking about, sir?

3 MR. SHOOK: Yes, ma'am.

4 THE WITNESS: All right.

5 BY MR. SHOOK:

6 Q Okay. Now do you recall that there were
7 attachments to the interrogatory answers?

8 A Yes.

9 Q For example, there is the attachment to
10 Interrogatory 2?

11 A Yes.

12 Q Okay. You recall that?

13 A Yes.

14 Q All right. And do you recall the attachments
15 to Interrogatory 13?

16 A Yes.

17 Q Okay. And in those attachments, do you
18 recall submitting copies of letters that were sent to
19 individuals on or about November 1, 1990?

20 A Yes.

21 Q Now this is a letter here to Thomas Embree?

22 A Yes.

23 Q Okay. And there appears to be the signature
24 of your husband?

25 A Yes.

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1 Q And one to Jim Farley?
2 A Yes.
3 Q The signature of your husband?
4 A Yes.
5 Q It looks like W. and A. Garrison?
6 A That's what it looks like.
7 Q And the signature of your husband?
8 Q And Leona M. Gunter, and the signature of
9 your husband?
10 A Yes.
11 Q Sandy Hall, and the signature of your
12 husband?
13 A Yes.
14 Q Now I can't make that out very well, but it
15 looks like O. and G. Harris?
16 A It looks that way, yes.
17 Q And the signature of your husband?
18 A Yes.
19 Q Then Charles Hillis, and the signature of
20 your husband?
21 A Yes.
22 Q Ilene Kinney, and the signature of your
23 husband?
24 A Yes.
25 Q Herbert Larson, and the signature of your

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1 | husband?
2 | A Yes.
3 | Q Ellen Malone, and the signature of your
4 | husband?
5 | A Yes.
6 | JUDGE STIRMER: What are we getting into,
7 | Mr. Shook?
8 | MR. SHOOK: Your Honor --
9 | JUDGE STIRMER: I mean, what is the
10 | significance?
11 | MR. SHOOK: Okay. I can stop here because I
12 | have got enough in the way of examples.
13 | BY MR. SHOOK:
14 | Q Do you notice what the letter says? The
15 | letter tells all of these individuals that they live
16 | outside the blanketing contour. Right?
17 | A Thirteen-C did. Do you see this here? This
18 | means they were in Appendix C.
19 | Q Yes, ma'am, I see that.
20 | A Uh-huh.
21 | Q Now I want to refer you to Attachment A, and
22 | I will go over the -- I am going to leave this here.
23 | A Uh-huh.
24 | Q Okay. Please turn to page 14.
25 | A Fourteen?

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1 Q Mass Media Exhibit 25.

2 A Okay.

3 Q Now do you see Mr. Embree's name there about
4 halfway down?

5 A I must be on the wrong page.

6 Q Okay. I am on page 14.

7 A Yes.

8 Q Do you see Mr. Farley's name?

9 A Yes.

10 Q And if you turn to page 15, do you see
11 Mr. Garrison's name?

12 A Yes.

13 Q And do you see Mrs. Gunter's name?

14 A Yes.

15 Q And do you see Sandy Hall's name?

16 A Yes.

17 Q Now I think I have enough here. Do you have
18 any explanation as to why those individuals received
19 the letters that they did as opposed to questionnaires?

20 A That was --

21 Q Or am I making a mistake here in assuming
22 that they didn't get a questionnaire also?

23 A They got a questionnaire also. There was
24 some added on later on that Mrs. Smith and Mrs. Hillis
25 sent in. That was some add-on names. They said that

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1 they wasn't all included in that order, and so we had
2 some add-on names. Names had been missed.

3 Q Okay. I think I see what you referring to.
4 If you go to page 53 of Mass Media Exhibit 25.

5 A Okay.

6 Q Okay. Number 13, I see Mr. Embree's name.

7 A Yes.

8 Q So what you are telling me is that you went
9 through these lists and everybody that was in List A
10 got a questionnaire. In other words, they got a copy
11 of Mass Media Exhibit 31?

12 A Appendix A, all listed in Appendix A got the
13 certified letter.

14 Q Okay. And with --

15 A We did not place them in Appendix A. We did
16 not place them in Appendix C. We did not -- or B.
17 That was done by the FCC.

18 Q Right. So what happens is, if it turns out a
19 person got put on two lists, Appendix A and Appendix
20 C --

21 A Uh-huh. They got two letters.

22 Q -- he got the questionnaire and he also got
23 one of these letters that told him that he was outside
24 of the blanketing contour?

25 A Yes.

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1 JUDGE STIRMER: Well, why would people
2 outside of the blanketing -- within the blanketing
3 contour -- be sent a letter telling them that they were
4 outside the blanketing contour?

5 THE WITNESS: Because they were listed in the
6 files from the FCC as being outside.

7 JUDGE STIRMER: Outside?

8 THE WITNESS: Yes, sir.

9 JUDGE STIRMER: All right.

10 BY MR. SHOOK:

11 Q Okay. And that goes back to what your
12 understanding of Group C was supposed to be?

13 A My understanding of Group C?

14 Q Or Appendix C, the names in Appendix C.

15 A Yes.

16 Q These were people who were outside the
17 blanketing contour? That is what you understood?

18 A Yes.

19 Q Okay. You didn't understand that those were
20 people who simply filed a complaint after the one-year
21 period had elapsed?

22 A No. Is that what they did? I didn't know.

23 Q I am just asking what your understanding was.

24 A Would you restate the question?

25 Q Okay. When you look at Appendix C --

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1 A Uh-huh. Appendix C, all right.

2 Q -- which begins on page 53.

3 A Uh-huh, all right.

4 Q There are complaint dates noted for at least
5 a number of these individuals?

6 A Yes.

7 Q And all of these complaint dates are after
8 the one-year period had elapsed, are they not?

9 A That is my first -- I hadn't done any -- I
10 had not even noticed that, sir, to be honest with you.

11 Q Okay, all right. But, I mean, your
12 understanding of Appendix C was that it represented the
13 individuals who lived outside the blanketing contour?

14 A Yes, sir.

15 Q So that is why they got the letter that I
16 just showed you?

17 A Yes.

18 Q Now when Mr. Lampe was going out to install
19 filters, the filters that he ordered, the filters that
20 he was to install, it was your understanding, was it
21 not, that it was going to filter out 89.5?

22 A Yes.

23 Q Did Mr. Lampe ever tell you about any other
24 frequencies that might have been causing what appeared
25 to be blanketing interference on individuals?

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1 television sets?

2 A I was in a home myself that I saw KJEZ, or
3 KJEZ come on. They gave the call letters over the
4 television.

5 Q Okay. And what home was that?

6 A I don't recall. It was in one of the 105
7 home visits. I really don't recall the name right now.

8 Q Okay. Did Mr. Lampe ever tell you about any
9 other frequencies besides 89.5 that might be causing
10 blanketing interference?

11 A I don't recall.

12 Q Okay. Did he ever speak with you about
13 something called an IF beat frequency?

14 A We talked about that.

15 Q And when did you talk about that?

16 A At different times during this time. I would
17 talk to Mr. Lampe at different times.

18 Q Okay. Do you recall what, if anything, he
19 told you about that?

20 A No, I really don't recall it. I didn't
21 understand it all. I did see, I did see the Highway
22 Patrol in several homes.

23 Q Okay. And do you recall which of those homes
24 you saw it?

25 A I saw it in Mrs. Hillis's home. I saw it in

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1 the homes in the trailer court. I saw it in Mrs.
2 Durbin's home. I saw it in Mrs. Wynn's home. Homes
3 located around that area. Mr. Farley, when I was in
4 his home, I saw it in his home. I saw it in Randy
5 Soens's home. I saw it in Elmer Soens's home. These
6 are people that live close around the Highway Patrol
7 there.

8 Q And what was it that you saw?

9 A You would see black and white lines,
10 zig-zaggy lines, and it would completely blank out the
11 picture.

12 Q Okay. And which channels were affected?

13 A Anything you were on, from what I saw.
14 Whatever channel it was on, I saw there, and I -- let
15 me rephrase that. Whatever channel it was on when I
16 was in there. I don't know what channel it was, to be
17 honest with you.

18 Q And did the placement of the 89.5 filter have
19 anything -- you know, have any effect on this?

20 A Not that I know of, no.

21 Q Okay. So, in other words, you could see that
22 kind of interference both before and after --

23 A Yes.

24 Q -- the 89.5 filter was put on?

25 A Yes, sir.

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1 Q How long -- you know, what time period would
2 elapse from the time this kind of interference that you
3 just described came on and before it would leave?

4 A Oh, just a few minutes. Just how long it
5 would take anybody to -- a mike and talk. It would be
6 intermediate, you know. It would be there and then it
7 would be gone.

8 Q Did you ever discuss with any of these
9 individuals, you know, what it was that you and they
10 were looking at when this phenomena occurred?

11 A When we made the visit to the Hillis home, we
12 were sitting there, and Mrs. Hillis herself said, "Oh,
13 that's Highway Patrol."

14 Q Now did you speak with anybody else, you
15 know, of that subject other than the Hillises?

16 A Mr. Farley. I was in his home. Something
17 happened, and this was not the Highway Patrol, but this
18 was a truck going down the highway on a CB. And he was
19 a CB man, and he understood what that was.

20 Q In other words, you could hear CB chatter as
21 the truck went by?

22 A And it made some lines too.

23 Q Made some lines on the TV?

24 A Uh-huh.

25 Q Now when you were in the homes of the 105

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1 | people that you went to, did you ever turn the KOKS
2 | transmitter off while you were there to see what
3 | reception looked like with the transmitter on and with
4 | the transmitter off?

5 | A No.

6 | Q Did you ever have the power of the KOKS
7 | transmitter adjusted in any way in order to observe
8 | what reception was like with the transmitter at full
9 | power and with the transmitter at any power other than
10 | full power?

11 | A No.

12 | Q Did you ever discuss with any of the
13 | individuals what their reception looked like before
14 | KOKS came on the air and what the reception looked like
15 | after the filters, the filter that you had installed?

16 | A I don't recall, no.

17 | MR. SHOOK: Your Honor, if possible, I would
18 | like to break for lunch at this point rather than --

19 | JUDGE STIRMER: All right. Off the record
20 | for a moment.

21 | (Off the record.)

22 | (Back on the record.)

23 | JUDGE STIRMER: All right. We will stand in
24 | recess and reconvene promptly at 1 o'clock.

25 | (Whereupon, at 12:30 p.m., a recess for lunch

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1 was taken.)

2 A F T E R N O O N S E S S I O N

3 JUDGE STIRMER: On the record. Mr. Shook,
4 would you please continue?

5 MR. SHOOK: Okay.

6 BY MR. SHOOK:

7 Q Mrs. Stewart, referring to paragraph 18 of
8 your testimony.

9 A Yes.

10 Q Now the references there to Mr. Ramage, were
11 those based on conversations, one or more conversations
12 that you had with him? Or is that based on the report
13 that appears as Mass Media Exhibit 1?

14 A The report.

15 Q Okay. So you didn't have any conversations
16 with him about blanketing interference?

17 A Mr. Ramage said that we would not a copy of
18 his. Well, we got a copy. We got a copy of his
19 report, the full report from Mr. Ramage, and this is
20 what it is based on.

21 Q Oh, it is based on the report?

22 A Yes.

23 Q Okay. Now moving on to paragraph 19, can you
24 tell me, the sentence that reads, "On November 10,
25 1988, Mr. Stewart," is that -- do you see that

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1 sentence? It is the third sentence down.

2 A Yes.

3 Q Okay. Is that sentence based on what Mr.

4 Stewart told you? Or did you accompany him? Or how

5 did you come to know this?

6 A Just what he told me.

7 Q What he told you?

8 A Yes. This was a string filter that he tried

9 to install. A string filter.

10 Q A string filter?

11 A Yes.

12 Q Okay. Now I would like to refer you to --

13 oh, excuse me. Two sentences later. "I called Mrs.

14 Smith on November 29," etc. Do you see that sentence?

15 A Yes.

16 Q Okay. Is that sentence based on some record

17 that you looked at, or is it based on your memory?

18 A On my memory.

19 Q Now there is a reference there to a filter.

20 Do you see that in that sentence?

21 A Yes, yes.

22 Q Okay. What kind of filter is --

23 A It would have been the O-75.

24 Q The ohm-75?

25 A Yes.

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1 Q Now I would like you to refer to Mass Media
2 Exhibit No. 15.

3 A Fifteen?

4 Q Okay. Beginning at sort of the middle of
5 page 2.

6 A Page 2? All right.

7 Q Okay. Do you see the reference there to Paul
8 and Doris Smith?

9 A Yes.

10 Q And it carries over to page 3?

11 A Yes.

12 Q Okay. Do you recall transmitting this
13 information to your counsel?

14 A Yes.

15 Q Likewise, with respect to Mass Media Exhibit
16 17?

17 A Seventeen?

18 Q On page 3.

19 A What part of page 3, sir?

20 Q Okay. Under "Miscellaneous Responses." It
21 would be about the sixth, seventh, eighth line down.
22 Do you see the sentence there beginning, "Some
23 complainants"?

24 A Yes.

25 Q And it includes Doris Smith?

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1 A Yes.

2 Q Was this information that you transmitted to
3 your counsel?

4 A Yes.

5 Q And turning to page 84 of that exhibit, about
6 three-quarters of the way down?

7 A Yes.

8 Q Do you see the references to Doris Smith?

9 A Yes.

10 Q All right. Do you know how this document
11 came to be prepared?

12 A I prepared it.

13 Q You prepared it? Okay. And are the
14 telephone calls or conversations referenced here ones
15 that you made?

16 A Yes.

17 Q Okay. So you talked with Doris Smith on
18 January 15, 1989?

19 A Yes.

20 Q And it says you told her, "We are waiting for
21 filters to come in"?

22 A Yes.

23 Q Okay. And do you remember what filters those
24 would be?

25 A They were the O-75's.

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1 Q All right.

2 A The Radio Shack would run out of them from
3 time to time and we would have to wait for them to get
4 a new shipment in.

5 Q Okay. I would like you to refer to Mass
6 Media Exhibit No. 2.

7 A Two?

8 Q Specifically pages 12, or start with page 12.
9 Have you ever seen this before?

10 A I, I don't recall. I probably did. Just to
11 say yes, I could not.

12 Q Okay. But you think it is probable that you
13 did?

14 A Yes.

15 Q Okay. And could you now turn to pages 16 and
16 17?

17 A Yes.

18 Q Okay. And have you seen pages 16 and 17
19 before?

20 A Yes.

21 Q All right. Do you see a reference there on
22 page 17 to a conversation between you and Mrs. Smith?

23 A Yes.

24 Q Do you recall such a conversation having
25 taken place?

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1 A We were waiting for filters to come in.

2 Q Right. And that was reflected in another
3 exhibit that we just went over.

4 A Yes.

5 Q Okay. Going back to your testimony on page
6 19, or excuse me, paragraph 19.

7 A Okay, all right.

8 Q Now do you see the references there to
9 conversations with Mrs. Smith, at least one
10 conversation on November 29?

11 A Yes.

12 Q Okay. Now did this conversation occur?

13 A Yes.

14 Q So you wanted to install a filter and she
15 told you "No"?

16 A That's right.

17 Q But then several weeks later you had a
18 conversation with her and you told her that you would
19 come out to her house when some filter came in?

20 A The Radio Shack would run out of the filters
21 from time to time and we would have to wait for a
22 shipment to come in.

23 Q Okay.

24 A This could have been possibly one of those
25 times.

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1 Q Was there some intervening conversation then
2 where she changed her mind and said it was okay for you
3 to come out to her house?

4 A No, I just kept trying.

5 Q Okay. So you called her in November. She
6 said, "No." You called her in January and said, "Well,
7 when filters come in, I will come out to your house."
8 And Mrs. Smith was okay with that?

9 A She didn't say one way or the other. We
10 called one time and asked and she -- we wanted to put a
11 filter on the antenna. We thought possibly it would
12 have a better effect. I talked to Mr. Lampe about
13 that, and Mr. Lampe was going to do that. And she
14 said, no, that they were going to install a new
15 antenna. And then when I called her back and asked her
16 would she let me know when the antenna was installed.
17 I didn't hear from her, so I called her back, and she
18 said her husband did not want us on the roof.

19 Q Okay. Now Mr. Lampe didn't become involved
20 with the station, though, correct, until February?

21 A But Mr. Lampe said that he would -- I talked
22 to him, and he would install it.

23 JUDGE STIRMER: February of what year?

24 MR. SHOOK: 1989.

25 THE WITNESS: Eighty-nine, uh-huh. And, but

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1 I had talked to him and asked him if we could just hire
2 him on that one basis.

3 BY MR. SHOOK:

4 Q All right.

5 A You know, and he didn't say one way or the
6 other, whether he would not.

7 Q All right. Now after these conversations
8 with Mrs. Smith in late 1988 or early 1989, when was it
9 that you actually went to the Smith household in order
10 to effect a restoration of service?

11 A In February of '91.

12 Q Okay. Can you explain why there is such a
13 gap in time between?

14 A They had us in a lawsuit for, you might say,
15 the whole year of '89, a large portion of that in '89.
16 Our attorney here felt that it would be unwise for us
17 to even go on the property.

18 Q Okay. Was this ever communicated to the
19 Smiths?

20 A I don't recall.

21 Q Okay. Now the lawsuit terminated, though, in
22 1989, didn't it?

23 A In 1989, yes.

24 Q Okay. Now what happened from the end of, you
25 know, when the lawsuit terminated in 1989 until late

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1 1990 when, according to Mass Media Exhibit 31, that is
2 when Doris Smith was sent a questionnaire that said,
3 you know, "What do you want us to do?"

4 A I just -- excuse me.

5 Q What is the reason for the gap?

6 A I don't recall. We had not been able to make
7 any contact or headway with her at all, and I really, I
8 really don't know why there was the gap there. Just to
9 be honest with you, I don't know.

10 Q Okay. With respect to paragraph 20, when you
11 did go to the Smith household in February of '91, work
12 was performed on one TV. Correct?

13 A Yes.

14 Q And do you know how many TVs the Smiths had?

15 A No.

16 Q Okay. Did you ask how many TVs the Smiths
17 had?

18 A No, I didn't. No one talked very much at all
19 except Mrs. Hillis and Mrs. Smith talked to each other.

20 Q Okay. Did you ask whether the problems that
21 Mrs. Smith complained about existed on only one TV or
22 more than one TV?

23 A No, I did not.

24 Q Did you ask about any radios at the Smith
25 household?

FREE STATE REPORTING, INC.

Court Reporting Depositions
D.C. Area 261-1902
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